BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR (CHHATTISGARH)

WRIT APPEAL NO. 16 /2007

(WRIT PETITION NO.591/2007)

APPELLANT

APPELLANT

Gautam Prasad Naik, son of Dibyanand Nayak, aged about 44 years, presently posted and working as Multi Purpose Worker (MPW) Section Madva, Community, Health Centre, Dabhra, Dist Janjgir-Champa (CG)

P.R. No. 956/07 Presented by Shri ... dated 03/02/07

VERSUS

RESPONDENTS

1. The State of Chahttisgarh, through – the Secretary, Deptt of Health, D.K.S. Building, Mantralay, Raipur (C.G.)
2. Under Secretary, Deptt of Health, D.K.S. Building, Mantralay, Raipur (CG)
3. Chief Medical Officer, District Janjgir-Champa (CG)
4. Block Medical Officer, Dabhra, Distt. Janjgir-Champa (CG)

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Rule 2(i) of the C.G. High Court (Appeal to Division Bench) Act 2006, r/w

WRIT APPEAL UNDER RULE 157, SUB CLAUSE 10 OF THE HIGH COURT RULES 2005

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ.
HON'BLE SHRI V.K. SHRIVASTAVA, J.

WRIT APPEAL NO. 16 OF 2007

APPELLANT Gautam Prasad Naik

Versus

RESPONDENTS The State of Chhattisgarh and Others.

Present : Shri H.S. Patel, counsel for the appellant.
Shri N.K. Agrawal, Dy. A.G. for the respondents/State.

ORAL ORDER
(Passed on 13th February, 2007)

The following oral order of the Court was passed by H.L. Dattu, CJ.

The matter is posted for admission. By consent of both the learned counsel, the matter is taken up for final hearing since the issue involved in this writ appeal lies in a narrow compass.

(2) A simple order of transfer from one district to another district was called in question by the petitioner before this Court in W.P.(S.). No.591 of 2007. The learned Single Judge in a well considered order has rejected the writ petition. In that he has stated:

> "6. Further, it is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the cases of the proved mala fide, non-competence of authority

passing the transfer order and transfer order not being in conformity with the rules and regulation. None of the above grounds are available to the petitioner."

(3) In our view, what has been stated by the learned Single Judge is in accordance with law and in accordance with well settled legal principles. Therefore, our interference with the said order is not called for. However, we reserve liberty to the appellant to make one more representation before the appropriate authorities for his re-transfer from the place of transfer to his original place. If on such a representation is made, the authorities are requested to consider the same, in accordance with law.

(4) Ordered accordingly.

Sd/-
V.K.Shrivastava
Judge

Sd/-
Chief Justice

subbu